



DEPARTMENT OF CORRECTION AND REHABILITATION

Isiah Leggett
County Executive

Arthur M. Wallenstein
Director

May 15, 2012

The Honorable Eugene Wolfe
Montgomery County District Court
27 Courthouse Square
Rockville, Maryland 20850

Re: PRRS Eligibility and Screening

Dear Judge Wolfe:

I thank you for the invitation to speak to the District Court Judges about the eligibility criteria and current screening processes for the County's pre-release program. Acting Deputy Chief of Programs and Services Tina Michaels and I will provide a short presentation, and I look forward to answering questions and addressing concerns. In preparation for our visit, I wanted to provide you and your fellow judges with this letter via email which provides a summary of the information that we will present.

First and foremost, the Montgomery County Department of Correction and Rehabilitation's (DOCR) Pre-Release and Reentry Services (PRRS) Division which oversees the Pre-Release Center (PRC) appreciates the forty-year partnership with the judiciary, and is committed to providing high-quality services to the court. At any time, judges may call me, Tina, and the screening and assessment staff with questions about eligibility of defendants into our program. Our emails are included in the address lines of this message and our phones are as follows: Reentry Assessment Specialist (Screener) Reggie Blankson @ 240/773-4254; Principal Administrative Assistant Pat Burns @240/773-4251; Tina Michaels @ 240/773-4222; and me @ 240/773-4262.

While PRRS has experienced significant organizational and personnel changes, the processes and criteria for eligibility consideration for PRRS have remained largely the same with one significant difference. In 2008, the County Council passed an amendment to the County Code expanding the authority of PRRS to work with individuals 12 months from release; prior to this change, the eligibility period was restricted to 6 months from release. The DOCR sought this change to increase the applicant pool of individuals eligible for PRRS and to allow the program to work with individuals who had special circumstances for which six months on the program were insufficient time for them to prepare for release.

Eligibility Criteria for Pre-Release and Reentry Services

The eligibility criteria for placement into the Pre-Release Center are:

1. The applicant must be within 12 months of release or parole and have a minimum of 30 days remaining on their sentence.¹
2. The applicant must be physically and psychologically capable of performing the proposed assignments/requirements of a PRRS program. Persons with significant medical or mental health issues must be reviewed by medical staff once incarcerated to determine if the person can be managed in a community corrections environment.
3. The applicant must not be determined to be an escape risk or have a history of escape.
4. The applicant must not have a history of assault on correctional staff.
5. An applicant shall not have any additional pending serious charges or be on probation where a violation could result in a sentence of significant length or originated in another jurisdiction.
6. An applicant shall not have been revoked from a work-release/pre-release program within the past two years.
7. An applicant shall be a citizen of the United States. If they are not a citizen but possess a valid work permit or Alien Registration Receipt Card (Form I-55), PRRS must receive written confirmation from the U.S. Department of Homeland Security's Immigration and Customs Enforcement that ICE is not choosing to place a detainer for this individual (ICE will provide this decision only after an individual is incarcerated).

Eligibility Criteria for PRRS's Home Confinement program

To be considered for placement to PRRS's Home Confinement program, the four additional criteria are:

1. The applicant shall have a Maryland residence that is accessible to PRRS staff (as determined by correctional staff).
2. The applicant shall have an approved sponsor who is willing to participate in requirements for home confinement.
3. The applicant shall have a working telephone within his/her residence or the ability to obtain one.
4. The applicant must have a stable drug, alcohol and weapon-free environment in which to reside while on home confinement.

Screening Processes

PRRS screens all individuals in the jails who meet the eligibility requirements described above. Our screeners are at the Montgomery County Correctional Facility every Tuesday interviewing eligible clients determined through a review of the prior week's sentenced commitments as well as a listing of other sentenced individuals already at the jail. The only cases that we do not screen are those where the commitments clearly indicate that PRC should not be considered and, cases from a small number of judges who do not support placing individuals at PRC. Of those meeting PRRS' eligibility criteria, over 90 to 95% are

¹ PRRS is considering eliminating the 30 minimum sentence requirement and seeks the judiciary's opinion as to whether this can prove helpful to the court.

recommended for placement to the Pre-Release Center.

The screening process consists of a 45 to 90 minute interview using a structured questionnaire, the administering of a risk/needs assessment (imbedded in the questionnaire) and a Criminal Thinking Assessment tool. Besides this self-reported data, PRRS screeners conduct full criminal record reviews of the instant offense and criminal history, and evaluate institutional and medical records held by MCCC. Often, the screeners will consult with other criminal justice professionals who have had contact with these candidates (DOCR's Pre-Trial staff; Maryland Parole and Probation Agents, etc.) Of particular importance, the screeners will review the commitment order to ascertain whether the sentencing judge has made recommendations about the pre-release program. All of this information is gathered and considered on Tuesday and Wednesday every week for the cohort of candidates screened, and a determination of eligibility and a recommendation for placement is made on Wednesday. PRRS then contacts the courts on Thursday and Friday to ensure that there is judicial authorization from the sentencing judge (signed Authorization for Transfer form or a prior blanket agreement with PRRS that allows immediate transfer with transfer form to be signed after placement) for those deemed eligible and recommended by PRRS to transfer to the Pre-Release Center on the following Monday.

Pre-Sentence Eligibility Reviews and Screenings

PRRS staff members in the screening office regularly field questions from attorneys about whether defendants are eligible for the pre-release program. Within 15 minutes on the phone, staff members are usually able to provide an answer. For cases where the defendants have not met the basic eligibility criteria, we have indicated verbally to the person making the referral the reasons why the clients are not eligible for pre-screening. We recognize that the referral sources may not clearly convey the reasons for the disqualification to the court, and as such, we have changed our practice. Effective, May 1, 2012, PRRS has been preparing a written response to every referral it receives to ensure that the information conveyed is clearly understood by other stakeholders.

In specific cases, PRRS will also conduct full screenings for pre-sentenced defendants at the Pre-Release Center. A full screening requires between two and three hours of time and significant logistical set-up, and PRRS seeks to limit the number of pre-sentence screenings to a manageable number and to those who need the screening prior to sentencing. As stated above, all eligible individuals with sentences of 30 days or more will be screened at the jail, and most of these individuals are not advantaged by having had an advance screening prior to their commitment.

Pre-sentenced screens are particularly advantageous for eligible defendants for whom the judge is considering a local incarceration which will allow them to keep employment or enrollment in an educational or treatment program. In such cases, PRRS can work with the court to determine the suitability of such defendants for an immediate placement to the Pre-Release Center or to Home Confinement typically after one or two nights in jail (called a weekend turnaround).

Finally, I do want to assure you that PRRS will conduct a pre-sentence screening of any

individual requested directly by a judge who meets the eligibility criteria for placement with PRRS.

Other Sentencing Options

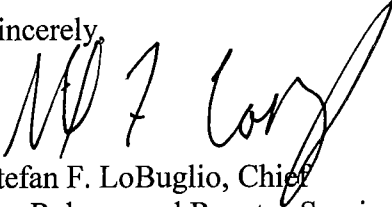
PRRS always seeks the intentions and desire of the sentencing judge and can consider accommodating wishes both to have individuals serve more of their sentence at the Pre-Release Center as well as accommodating a request to delay the transfer to PRC until a certain amount of time is served in jail. You can communicate with PRRS in the following ways:

1. Explicitly write on the Commitment Order to indicate the minimum amount of time that a sentenced offender should serve in detention before placement into pre-release (or to disallow pre-release and/or home confinement altogether);
2. Call, write or email PRRS staff member or the screening department directly with your intentions;
3. Indicate your refusal on the Approval of Transfer Order that we send in all cases.

Lastly, if a judge is considering weekend sentences, especially in order to save an individual's employment, they should contact PRRS to determine if a shorter sentence to be served on work release or home confinement might be a better option.

We look forward to our meeting.

Sincerely,



Stefan F. LoBuglio, Chief
Pre-Release and Reentry Services
Department of Correction and Rehabilitation

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cc: Arthur Wallenstein, Director, DOCR